

PB# 04-17

**Joseph Fumarola
(Withdrawn)**

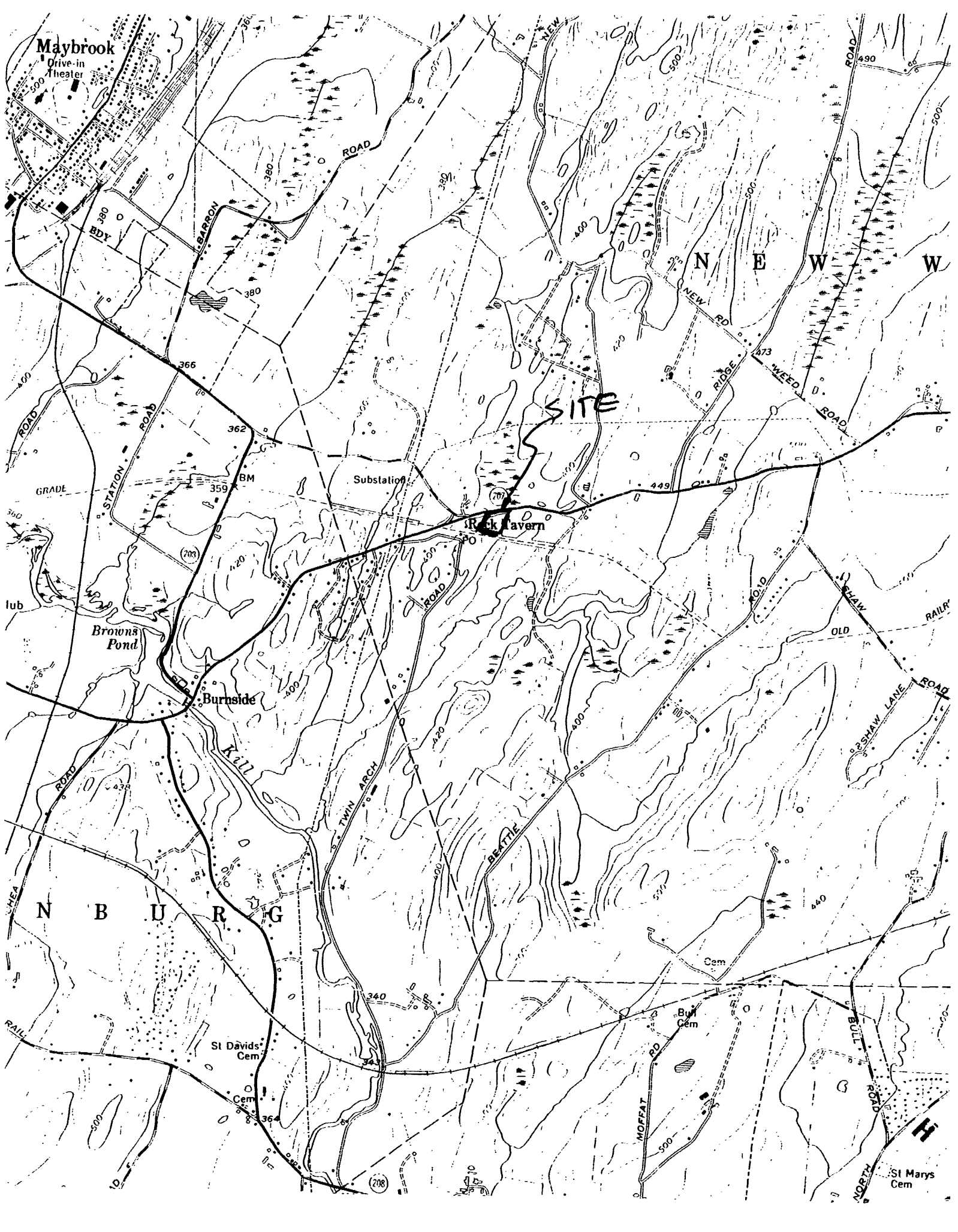
55-3-5

P.B. #04-17 JOSEPH FUMAROLA
SUB. - RT. 207 (YANOSH)

TOWN OF NEW WINDSOR
PLANNING BOARD

APPROVED COPY

DATE: Withdrawn 9/12/07



**JOSEPH FUMAROLA
2049 LITTLE BRITAIN ROAD
NEW WINDOR, NEW YORK 12575**

May 14, 2007

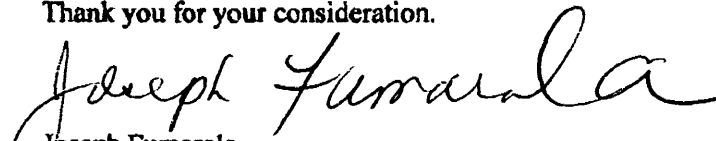
S-B-L 55-3-5

Town of New Windsor
Planning Board
New Windsor, NY 12575

RE: 2 LOT SUBDIVISION, RT 207
Application no. 04-17

Regarding above referenced (04-17) for 2 lot subdivision, Rt 207, New Windsor please
withdraw current application.

Thank you for your consideration.


Joseph Fumarola
Owner

ENTERED JUN 6 0 2007





DEPARTMENT OF HEALTH

Jean M. Hudson, M.D., M.P.H.
Commissioner of Health
124 Main Street
Goshen, New York 10924-2199

M.J. Schleifer, P.E.
Assistant Commissioner

Edward A. Diana
County Executive

Environmental Health (845) 291-2331
Fax: (845) 291-4078

December 28, 2005

Joseph Fumarolo
1 South St.
Washingtonville, NY 10992

Re:
Joseph Fumarolo
Realty Subdivision
T. New Windsor

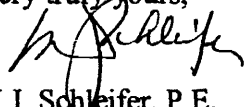
Gentlemen:


A recent review of our files indicates that a request for additional information or supplementary material necessary for the review of your application for approval of the above mentioned was made by letter dated January 4, 2005 to your engineer.

To date, this request is unfulfilled. We are, therefore, disapproving these plans.

In order to reinstate consideration of this project, when and if desired, it will be necessary to submit an updated application, fees, plans, a revised engineer's report and an acceptable response to the aforementioned letter.

Very truly yours,


M.J. Schleifer, P.E.
Assistant Commissioner

MJS/ajc 

cc: Engineer
Planning Board
File

disapproval

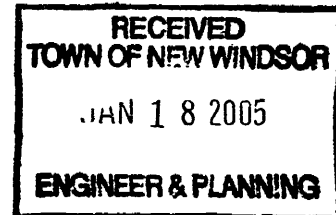
cc: ME

JOSEPH FUMAROLA
1 SOUTH STREET
WASHINGTONVILLE, NY 10992

January 10, 2005

TOWN OF NEW WINDSOR
PLANNING BOARD
555 UNION AVENUE
NEW WINDSOR, NY 12553

P. B. #04-17
LANDS OF FUMAROLA SUBDIVISION
TAX MAP # 55-3-5



Gentlemen,

Regarding the above mentioned job, we have received preliminary approval from your board in September 2004. This project is still in front of the Health Department and we would request a 6 month extension while this matter is addressed by them.

Sincerely,



JOSEPH FUMAROLA



DEPARTMENT OF HEALTH

Jean M. Hudson, M.D., M.P.H.
Commissioner of Health
124 Main Street
Goshen, New York 10924-2199

M.J. Schleifer, P.E.
Assistant Commissioner

Edward A. Diana
County Executive

Environmental Health (845) 291-2331
Fax: (845) 291-4078

January 4, 2005

John J. Dragan, P.E., L.S.
Cons. Eng. & L.S.
5 Perry Creek Rd.
Washingtonville, NY 10992

Re:
Lands of Fumarola
Realty Subdivision
T. New Windsor

Dear Mr. Dragan:

As a routine component of any realty subdivision review conducted by this department, a site visit is performed to confirm topography and land features provided on the plan set. A field assessment was performed by the undersigned on January 3, 2005. Significant discrepancies were noted between designs provided on the plans and actual field conditions.

Of particular concern is the location of the installed sewage disposal system on lot #1 (previous lot #5) with respect to the edge of the standing water. The ponding water coincides with the limits of the delineated wetlands. Location of the dwelling and its respective sewage disposal area has been shifted approximately 150' towards the rear of the lot from the location approved by the Town on plans entitled "5 Lot Subdivision and Lot Line Change for Rick-Lynn Enterprises and John J. and Eileen J. Garvey," dated June 25, 2003. Initial plans indicate a separation of approximately 45' between last lateral and wetlands edge. Plans for the two (2) lot subdivision dated March 30, 2004 provide for a 20' separation however, measurements made in the field on January 3, 2005 confirmed a separation of 13'-14' to the edge of the standing water.

As per Appendix 75-A - Wastewater Treatment Standards - Individual Household Systems, Table 2, minimum required separation between an absorption field and stream, lake or watercourse is 100'. Additionally, the design provided on the plans for the shallow absorption system on lot #1 (formerly lot #5) does not meet Orange County Health Department standards with respect to configuration of laterals and absence of a 50% expansion area at the bottom of the field. The field was relocated to an area outside of the area of soils where deep test pits and percolation tests were performed. Configuration and location of absorption field does not match design and location as approved by the New Windsor Planning Board.

Lands of Fumarola

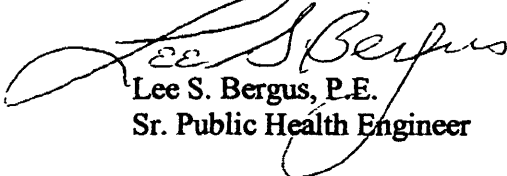
Page -2-

During my field visit it was also observed that the separation between the sewage disposal system serving lot #4 and the standing water was also significantly less than the required 100'.

In order that this department's review of the 6 lot subdivision (Lands of Fumarola) may proceed, the absorption field on proposed lot #1 (formerly lot #5) must be relocated to provide for required separation to the standing water on the easterly portion of the lot. Failure to properly relocate the field is sufficient reason for this department to disapprove the 6 lot subdivision currently under consideration. Failure to address this matter within sixty (60) days will be reason for disapproval.

Should you wish to discuss this matter further, please do not hesitate to contact the undersigned at (845) 291-2331.

Very truly yours,

A handwritten signature in dark ink, appearing to read "Lee S. Bergus", is written over the typed name and title.

Lee S. Bergus, P.E.
Sr. Public Health Engineer

LSB/ajc

cc: Applicant
New Windsor Bldg. Insp.
New Windsor Planning Dept.
File



DEPARTMENT OF HEALTH

Jean M. Hudson, M.D., M.P.H.
Commissioner of Health
124 Main Street
Goshen, New York 10924-2199

M.J. Schleifer, P.E.
Assistant Commissioner

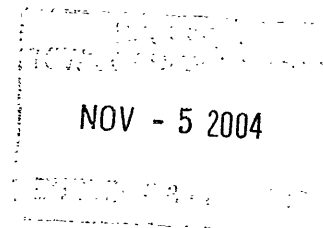
Edward A. Diana
County Executive

Environmental Health

(845) 291-2331
Fax: (845) 291-4078

November 1, 2004

John J. Dragan, P.E.
5 Perry Creek Rd.
Washingtonville, NY 10992

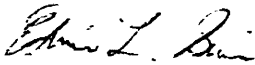


Re:
Joseph Fumarolo
Realty Subdivision
T. New Windsor

Dear Mr. Dragan:

As previously discussed, and acknowledged by your letter dated October 21, 2004, the lots created by the 4 lot subdivision previously approved by the Town of New Windsor are now subject to our review and approval. This is required by New York State Realty Subdivision Law since these parcels were under common ownership within the prior three years. Therefore, we recommend that no construction be performed on these lots until our review and approval has been completed.

Very truly yours,


Edwin L. Sims, P.E.
Director, Bureau of
Sanitary Engineering

ELS/ajc

cc: Applicant
T. New Windsor Planning Board
File



COUNTY OF ORANGE

EDWARD A. DIANA
COUNTY EXECUTIVE

DEPARTMENT OF PLANNING

124 MAIN STREET
GOSHEN, NEW YORK 10924-2124
TEL: (845)291-2318 FAX: (845)291-2533
WWW.ORANGECOUNTYGOV.COM
planning@co.orange.ny.us

DAVID E. CHURCH, AICP
COMMISSIONER

ORANGE COUNTY DEPARTMENT OF PLANNING 239 L, M OR N REPORT

This proposed action is being reviewed as an aid in coordinating such action between and among governmental agencies by bringing pertinent inter-community and countywide considerations to the attention of the municipal agency having jurisdiction.

Referred by: Town of New Windsor Planning Board

Reference No.: NWT 3-04N

Applicant: Fumarola

County I.D. No: 55-3-5

Proposed Action: Minor Subdivision and SEQRA Lead Agency Coordination: 2 lots.

State, County, Inter-municipal Basis for Review: Within 500 ft. of NYS Route 207.

Comments:

- We are in receipt of the notice declaring your intent to become Lead Agency under SEQRA for the action referenced above and have no objection to you assuming this designation.
- The applicant should make every attempt to preserve as much vegetation along Route 207 as possible to buffer the negative effects of traffic using this major thoroughfare from the houses planned for construction. Where preexisting vegetation is nonexistent, trees and shrubs should be planted as a buffer for the same purpose.
- It is commendable that the driveways for both lots have been paired side-by-side to reduce the number of access points onto Route 207.
- The land within the proposed subdivision was originally part of a 5-lot subdivision approved under the name "Rick-Lynn Enterprises, Inc and Garvey" by the New Windsor Planning Board on November 25th, 2003. Given that re-subdivision is occurring within 3-year period of the original approval for Rick-Lynn Enterprises, Inc., both the Fumarola and Rick-Lynn subdivisions are considered to be one "realty subdivision" under Article 11, Title II of Public Health Law and must be submitted to the OC Health Department for review and approval.

Related Reviews and Permits: OC Health Department Review and NYSDOT Curb-cut permits

County Action: Local Determination

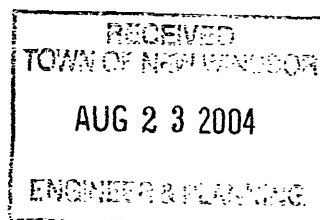
Disapproved

Approved

Approved subject to the following modifications and/or conditions: XXXX

Approval subject to submission to Orange County Health Department.

Date: August 18, 2004



Deputy

Commissioner of Planning

AGENCY OWNER PROXY STATEMENT
(for professional representation)

for submittal to the:
TOWN OF NEW WINDSOR PLANNING BOARD

JOSEPH FUMAROLA, deposes and says that he resides
(OWNER)

at #1 SOUTH STREET, WASHINGTONVILLE in the County of OWING
(OWNER'S ADDRESS)

and State of NEW YORK and that he is the owner of property tax map

(Sec. 55 Block 3 Lot 5)
designation number (Sec. _____ Block _____ Lot _____) which is the premises described in
the foregoing application and that he designates:

DANIEL P. YAMASHA LLC, P.O. BOX 320, CIRCLEVILLE NY 10919
(Agent Name & Address)

(Name & Address of Professional Representative of Owner and/or Agent)

as his agent to make the attached application.

**THIS DESIGNATION SHALL BE EFFECTIVE UNTIL WITHDRAWN BY THE OWNER OR
UNTIL TWO (2) YEARS FROM THE DATE AGREED TO, WHICHEVER IS SOONER.**

SWORN BEFORE ME THIS:

****** Joseph Fumarola
Owner's Signature (MUST BE NOTARIZED)

20th DAY OF July 2009)

BARBARA E. DECKER
Notary Public, State of New York
No. 4635474

Qualified in Orange County
Commission Expires 7-31-2017

Barbara E. Decker
NOTARY PUBLIC

B. M. Fumarola
Agent's Signature (If Applicable)

Professional Representative's Signature

**** PLEASE NOTE: ONLY OWNER'S SIGNATURE MUST BE NOTARIZED.**

THIS PROXY SHALL BE VOID TWO (2) YEARS AFTER AGREED TO BY THE OWNER

04-17

PROJECT I.D. NUMBER

617.21

SEQR

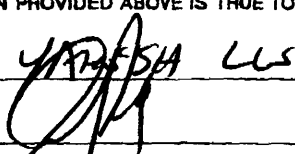
Appendix C

State Environmental Quality Review

SHORT ENVIRONMENTAL ASSESSMENT FORM

For UNLISTED ACTIONS Only

PART I - PROJECT INFORMATION (To be completed by Applicant or Project sponsor)

1. APPLICANT / SPONSOR JOSEPH FUMANOLO	2. PROJECT NAME 2 LOT SUBDIVISION LANDS OF JOSEPH FUMANOLO
3. PROJECT LOCATION: Municipality TOWN OF NEW WINDSOR County ORANGE	
4. PRECISE LOCATION (Street address and road intersections, prominent landmarks, etc., or provide map) SOUTH SIDE OF NY S ROUTE 207, 400 FEET WEST OF JAMES WICKINSON ROAD	
5. IS PROPOSED ACTION: <input checked="" type="checkbox"/> New <input type="checkbox"/> Expansion <input type="checkbox"/> Modification/alteration	
6. DESCRIBE PROJECT BRIEFLY: 2 LOT RESIDENTIAL SUBDIVISION	
7. AMOUNT OF LAND AFFECTED: Initially 6.11 acres Ultimately 6.11 acres	
8. WILL PROPOSED ACTION COMPLY WITH EXISTING ZONING OR OTHER EXISTING LAND USE RESTRICTIONS? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No If No, describe briefly	
9. WHAT IS PRESENT LAND USE IN VICINITY OF PROJECT? <input checked="" type="checkbox"/> Residential <input type="checkbox"/> Industrial <input type="checkbox"/> Commercial <input type="checkbox"/> Agriculture <input type="checkbox"/> Park/Forest/Open space <input type="checkbox"/> Other Describe:	
10. DOES ACTION INVOLVE A PERMIT APPROVAL, OR FUNDING, NOW OR ULTIMATELY FROM ANY OTHER GOVERNMENTAL AGENCY (FEDERAL, STATE OR LOCAL)? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No If yes, list agency(s) and permit/approvals	
11. DOES ANY ASPECT OF THE ACTION HAVE A CURRENTLY VALID PERMIT OR APPROVAL? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No If yes, list agency name and permit/approval	
12. AS A RESULT OF PROPOSED ACTION WILL EXISTING PERMIT/APPROVAL REQUIRE MODIFICATION? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	
I CERTIFY THAT THE INFORMATION PROVIDED ABOVE IS TRUE TO THE BEST OF MY KNOWLEDGE	
Applicant/sponsor name: DANIEL P. YARFISH LLC	Date: 6/15/04
Signature: 	

If the action is in the Coastal Area, and you are a state agency, complete the Coastal Assessment Form before proceeding with this assessment

OVER

04-17

PART II—ENVIRONMENTAL ASSESSMENT (To be completed by Agency)

A. DOES ACTION EXCEED ANY TYPE I THRESHOLD IN 6 NYCRR, PART 617.12? If yes, coordinate the review process and use the FULL EAF. <input type="checkbox"/> Yes <input type="checkbox"/> No	
B. WILL ACTION RECEIVE COORDINATED REVIEW AS PROVIDED FOR UNLISTED ACTIONS IN 6 NYCRR, PART 617.6? If No, a negative declaration may be superseded by another involved agency. <input type="checkbox"/> Yes <input type="checkbox"/> No	
C. COULD ACTION RESULT IN ANY ADVERSE EFFECTS ASSOCIATED WITH THE FOLLOWING: (Answers may be handwritten, if legible)	
C1. Existing air quality, surface or groundwater quality or quantity, noise levels, existing traffic patterns, solid waste production or disposal, potential for erosion, drainage or flooding problems? Explain briefly:	
C2. Aesthetic, agricultural, archaeological, historic, or other natural or cultural resources; or community or neighborhood character? Explain briefly:	
C3. Vegetation or fauna, fish, shellfish or wildlife species, significant habitats, or threatened or endangered species? Explain briefly:	
C4. A community's existing plans or goals as officially adopted, or a change in use or intensity of use of land or other natural resources? Explain briefly:	
C5. Growth, subsequent development, or related activities likely to be induced by the proposed action? Explain briefly:	
C6. Long term, short term, cumulative, or other effects not identified in C1-C5? Explain briefly:	
C7. Other impacts (including changes in use of either quantity or type of energy)? Explain briefly:	
D. IS THERE, OR IS THERE LIKELY TO BE, CONTROVERSY RELATED TO POTENTIAL ADVERSE ENVIRONMENTAL IMPACTS? <input type="checkbox"/> Yes <input type="checkbox"/> No If Yes, explain briefly	

PART III—DETERMINATION OF SIGNIFICANCE (To be completed by Agency)

INSTRUCTIONS: For each adverse effect identified above, determine whether it is substantial, large, important or otherwise significant. Each effect should be assessed in connection with its (a) setting (i.e. urban or rural); (b) probability of occurring; (c) duration; (d) irreversibility; (e) geographic scope; and (f) magnitude. If necessary, add attachments or reference supporting materials. Ensure that explanations contain sufficient detail to show that all relevant adverse impacts have been identified and adequately addressed.

<input type="checkbox"/> Check this box if you have identified one or more potentially large or significant adverse impacts which MAY occur. Then proceed directly to the FULL EAF and/or prepare a positive declaration.	
<input type="checkbox"/> Check this box if you have determined, based on the information and analysis above and any supporting documentation, that the proposed action WILL NOT result in any significant adverse environmental impacts AND provide on attachments as necessary, the reasons supporting this determination:	
_____ Name of Lead Agency	
_____ Print or Type Name of Responsible Officer in Lead Agency	_____ Title of Responsible Officer
_____ Signature of Responsible Officer in Lead Agency	_____ Signature of Preparer (If different from responsible officer)
_____ Date	